



# **STATUTES AMENDMENT (WATERWORKS AND SEWERAGE) ACT 1991**

**No. 51 of 1991**

## **SUMMARY OF PROVISIONS**

**Section**

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A.D. 1991

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No. 51 of 1991

**An Act to amend the Waterworks Act 1932 and the Sewerage Act 1929.**

[Assented to 22 November 1991]

The Parliament of South Australia enacts as follows:

## Short title

1. This Act may be cited as the *Statutes Amendment (Waterworks and Sewerage) Act 1991*.

## Commencement

2. (1) Paragraph (e) of section 3 and paragraphs (b) and (g) of section 4 will be taken to have come into operation on 1 July 1991.

(2) The remaining provisions of this Act will come into operation on the day on which it is assented to by the Governor.

## Amendment of Waterworks Act 1932

3. The *Waterworks Act 1932* is amended—

(a) by striking out subsection (2) of section 65d and substituting the following subsection:

(2) A notice under subsection (1)—

(a) may fix different water allocations in respect of different classes of residential land;

and

(b) will have effect in relation to a financial year specified in the notice.;

(b) by striking out subsection (4) of section 65d;

(c) by inserting after section 67 the following section:

### Time for publication of notices

68. (1) Notices under sections 65c (1) and 65d (1) must be published in the *Gazette* on or before 7 December preceding the financial year in relation to which they have effect.

(2) A notice under section 66 (4) must be published in the *Gazette* on or before 31 July in the financial year in respect of which it has effect.;

(d) by striking out paragraph (a) of subsection (1) of section 94 and substituting the following paragraph:

(a) the access rate or the base rates are payable by equal instalments on the first day of each quarter of the financial year but if the base rates have not been fixed on or before the first day of the financial year the instalment of base rates in respect of the first quarter will become payable on the day on which the base rates are fixed under this Act;

and

(e) by inserting after the first schedule of the principal Act the following schedule:

#### SCHEDULE 2

##### *Validation of Notices*

1. A notice published in the *Gazette* on 11 July 1991 in purported exercise of the power under section 65c (1), 65d (1) or 66 (4) will be taken to have been validly published by the Minister under the section concerned in respect of the 1991/1992 financial year and will have effect in respect of that year notwithstanding the fact that it was published after the commencement of the financial year and notwithstanding any defect in its form.

2. The notice published in the *Gazette* on 11 July 1991 at page 264 in purported exercise of the power under sections 65c (1) and 65d (1) will be taken to have fixed on 1 July 1991 in respect of all classes of residential land for the 1991/1992 financial year—

(a) the threshold value at \$117 000;

(b) the access rate for land of or below the threshold value at \$116;

(c) the rate in the dollar for the purpose of determining the access rate for land exceeding the threshold value at \$0.0008;

(d) the water rate in respect of water supplied to land at \$0.85 per kilolitre;

and

(e) the water allocation at 136 kilolitres.

3. A notice given to a person before the *Statutes Amendment (Waterworks and Sewerage) Act 1991* is assented to by the Governor that purports to contain particulars of an amount payable to the Minister under this Act in respect of the 1991/1992 financial year will be taken to be a notice under section 87 and to have been given to that person as soon as conveniently possible after the amount became payable.

#### **Amendment of Sewerage Act 1929**

4. The *Sewerage Act 1929* is amended—

(a) by inserting after subsection (1) of section 73 the following subsection:

(1a) A notice under subsection (1) will have effect in relation to a financial year specified in the notice.;

(b) by striking out from subsection (2) of section 73 “the first day of July last preceding the publication of the notice” and substituting “the first day of the financial year to which the notice under subsection (1) relates”;

(c) by striking out subsection (1) of section 75 and substituting the following subsection:

(1) The minister may, by notice in the *Gazette*, fix a minimum sewerage rate in respect of any land.;

(d) by striking out subsection (3) of section 75 and substituting the following subsection:

(3) A notice under subsection (1) will have effect in relation to a financial year specified in the notice.;

(e) by inserting after section 75 the following section:

##### **Time for publication of notices**

76. Notices under sections 73 (1) and 75 (1) must be published in the *Gazette* on or before 31 July in the financial year in relation to which they have effect.;

(f) by inserting after subsection (1) of section 79 the following subsection:

(1a) If a sewerage rate or the scale on which a sewerage rate is to be calculated has not been fixed on or before the first day of the financial year to which it relates the payment in respect of the first quarter will become payable on the day on which the rate or the relevant scale is fixed under this Act.;

and

(g) by inserting after the schedule of the principal Act the following schedule:

SCHEDULE 2

*Validation of Notices*

1. A notice published in the *Gazette* on 11 July 1991 in purported exercise of the power under section 73 (1) will be taken to have been validly published by the Minister under that section in respect of the 1991/1992 financial year and will have effect in respect of that year notwithstanding the fact that it was published after the commencement of the financial year and notwithstanding any defect in its form.

2. A notice published in the *Gazette* on 11 July 1991 in purported exercise of the power under section 75 to fix minimum sewerage rates will be taken to have been a valid exercise of that power by the Minister in respect of the 1991/1992 financial year and will have effect in respect of that year notwithstanding the fact that it was published after the commencement of the financial year and notwithstanding any defect in its form.

3. A notice given to a person before the *Statutes Amendment (Waterworks and Sewerage) Act 1991* is assented to by the Governor that purports to contain particulars of an amount payable to the Minister under this Act in respect of the 1991/1992 financial year will be taken to be a notice under section 80 and to have been given to that person as soon as conveniently possible after the amount became payable.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor